



General Assembly

Substitute Bill No. 6701

January Session, 2013



**AN ACT CONCERNING CHILD ENDANGERMENT WHILE OPERATING
A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF
INTOXICATING LIQUOR OR DRUGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars or more than one thousand dollars, except as
7 provided in subparagraph (D) of this subdivision, and (B) be (i)
8 imprisoned not more than six months, forty-eight consecutive hours of
9 which may not be suspended or reduced in any manner, except as
10 provided in subparagraph (D) of this subdivision, or (ii) imprisoned
11 not more than six months, except as provided in subparagraph (D) of
12 this subdivision, with the execution of such sentence of imprisonment
13 suspended entirely and a period of probation imposed requiring as a
14 condition of such probation that such person perform one hundred
15 hours of community service, as defined in section 14-227e, and (C)
16 have such person's motor vehicle operator's license or nonresident
17 operating privilege suspended for forty-five days and, as a condition
18 for the restoration of such license, be required to install an ignition

19 interlock device on each motor vehicle owned or operated by such
20 person and, upon such restoration, be prohibited for the one-year
21 period following such restoration from operating a motor vehicle
22 unless such motor vehicle is equipped with a functioning, approved
23 ignition interlock device, as defined in section 14-227j, and (D) be
24 guilty of a class D felony if a child under sixteen years of age was a
25 passenger in the motor vehicle at the time of the violation; (2) for
26 conviction of a second violation within ten years after a prior
27 conviction for the same offense, (A) be fined not less than one
28 thousand dollars or more than four thousand dollars, (B) be
29 imprisoned not more than two years, one hundred twenty consecutive
30 days of which may not be suspended or reduced in any manner, and
31 sentenced to a period of probation requiring as a condition of such
32 probation that such person: (i) Perform one hundred hours of
33 community service, as defined in section 14-227e, (ii) submit to an
34 assessment through the Court Support Services Division of the Judicial
35 Branch of the degree of such person's alcohol or drug abuse, and (iii)
36 undergo a treatment program if so ordered, and (C) (i) if such person is
37 under twenty-one years of age at the time of the offense, have such
38 person's motor vehicle operator's license or nonresident operating
39 privilege suspended for forty-five days or until the date of such
40 person's twenty-first birthday, whichever is longer, and, as a condition
41 for the restoration of such license, be required to install an ignition
42 interlock device on each motor vehicle owned or operated by such
43 person and, upon such restoration, be prohibited for the three-year
44 period following such restoration from operating a motor vehicle
45 unless such motor vehicle is equipped with a functioning, approved
46 ignition interlock device, as defined in section 14-227j, except that for
47 the first year of such three-year period, such person's operation of a
48 motor vehicle shall be limited to such person's transportation to or
49 from work or school, an alcohol or drug abuse treatment program or
50 an ignition interlock device service center, or (ii) if such person is
51 twenty-one years of age or older at the time of the offense, have such
52 person's motor vehicle operator's license or nonresident operating
53 privilege suspended for forty-five days and, as a condition for the

54 restoration of such license, be required to install an ignition interlock
55 device on each motor vehicle owned or operated by such person and,
56 upon such restoration, be prohibited for the three-year period
57 following such restoration from operating a motor vehicle unless such
58 motor vehicle is equipped with a functioning, approved ignition
59 interlock device, as defined in section 14-227j, except that for the first
60 year of such three-year period, such person's operation of a motor
61 vehicle shall be limited to such person's transportation to or from work
62 or school, an alcohol or drug abuse treatment program or an ignition
63 interlock device service center; and (3) for conviction of a third and
64 subsequent violation within ten years after a prior conviction for the
65 same offense, (A) be fined not less than two thousand dollars or more
66 than eight thousand dollars, (B) be imprisoned not more than three
67 years, one year of which may not be suspended or reduced in any
68 manner, and sentenced to a period of probation requiring as a
69 condition of such probation that such person: (i) Perform one hundred
70 hours of community service, as defined in section 14-227e, (ii) submit
71 to an assessment through the Court Support Services Division of the
72 Judicial Branch of the degree of such person's alcohol or drug abuse,
73 and (iii) undergo a treatment program if so ordered, and (C) have such
74 person's motor vehicle operator's license or nonresident operating
75 privilege permanently revoked upon such third offense, except that if
76 such person's revocation is reversed or reduced pursuant to subsection
77 (i) of section 14-111, such person shall be prohibited from operating a
78 motor vehicle unless such motor vehicle is equipped with a
79 functioning, approved ignition interlock device, as defined in section
80 14-227j, for the time period prescribed in subdivision (2) of subsection
81 (i) of section 14-111. For purposes of the imposition of penalties for a
82 second or third and subsequent offense pursuant to this subsection, a
83 conviction under the provisions of subsection (a) of this section in
84 effect on October 1, 1981, or as amended thereafter, a conviction under
85 the provisions of either subdivision (1) or (2) of subsection (a) of this
86 section, a conviction under the provisions of section 53a-56b, as
87 amended by this act, or 53a-60d, as amended by this act, or a
88 conviction in any other state of any offense the essential elements of

89 which are determined by the court to be substantially the same as
90 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b,
91 as amended by this act, or 53a-60d, as amended by this act, shall
92 constitute a prior conviction for the same offense.

93 Sec. 2. Section 53a-56b of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2013*):

95 (a) A person is guilty of manslaughter in the second degree with a
96 motor vehicle when, while operating a motor vehicle under the
97 influence of intoxicating liquor or any drug or both, he causes the
98 death of another person as a consequence of the effect of such liquor or
99 drug.

100 (b) Manslaughter in the second degree with a motor vehicle is (1) a
101 class C felony, [and the] or (2) a class B felony if such person causes the
102 death of a child under sixteen years of age who was a passenger in the
103 motor vehicle at the time of the offense. The court shall suspend the
104 motor vehicle operator's license or nonresident operating privilege of
105 any person found guilty under this section for one year. The court shall
106 also order such person not to operate any motor vehicle that is not
107 equipped with an approved ignition interlock device, as defined in
108 section 14-227j, for a period of two years after such person's operator's
109 license or nonresident operating privilege is restored by the
110 Commissioner of Motor Vehicles.

111 Sec. 3. Section 53a-60d of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective October 1, 2013*):

113 (a) A person is guilty of assault in the second degree with a motor
114 vehicle when, while operating a motor vehicle under the influence of
115 intoxicating liquor or any drug or both, he causes serious physical
116 injury to another person as a consequence of the effect of such liquor or
117 drug.

118 (b) Assault in the second degree with a motor vehicle is (1) a class D
119 felony, [and the] or (2) a class C felony if such person causes serious

120 physical injury to a child under sixteen years of age who was a
121 passenger in the motor vehicle at the time of the offense. The court
122 shall suspend the motor vehicle operator's license or nonresident
123 operating privilege of any person found guilty under this section for
124 one year. The court shall also order such person not to operate any
125 motor vehicle that is not equipped with an approved ignition interlock
126 device, as defined in section 14-227j, for a period of two years after
127 such person's operator's license or nonresident operating privilege is
128 restored by the Commissioner of Motor Vehicles.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	14-227a(g)
Sec. 2	October 1, 2013	53a-56b
Sec. 3	October 1, 2013	53a-60d

Section 1	October 1, 2013	14-227a(g)
Sec. 2	October 1, 2013	53a-56b
Sec. 3	October 1, 2013	53a-60d

JUD *Joint Favorable Subst.*